

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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John B. Kern.

File No. 18-cv-3270 (ECT/TNL)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

New Flyer of America, Inc.,

Defendant.

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The Court has received the April 25, 2019 Report and Recommendation of United States Magistrate Judge Tony N. Leung. ECF No. 5. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**;
2. Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 13, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court